

Amendment
Docket No. 2804-US-DIV5
(formerly 2804-J)

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Remarks

Claims 1-13 are in the case. Claims 1, 3, 5, 7, 9 and 11 have been amended. Support for the amendments can be found throughout the application and in the claims as filed. No new matter has been added.

Priority

The Office has requested Applicants to update the status of U.S. Patent Application No. 09/628,126 in the cross-reference to other applications section. Such an amended section has been provided and indicates U.S. Patent No. 09/628,126 has now issued as U.S. Patent No. 6,667,039.

Rejection under U.S.C. 112, second paragraph

Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

The Office points to claims 1, 7, 9 and 11 as reciting SEQ ID NO:19 or 23, which are polypeptide sequences, and alleges that if an amendment is made to replace the currently claimed polypeptide sequences with corresponding nucleotide sequences the claims will be confusing because the polypeptide would be encoded by the strand that hybridized to the nucleotide sequence, this strand would be the antisense strand and the antisense strand does not encode the polypeptide.

Applicants respectfully traverse these grounds for rejection. Claims 1, 7, 9 and 11 now recite SEQ ID NO:18 or SEQ ID NO:22. The CD30L polypeptide is encoded by a DNA sequence. A DNA sequence is made up of two polynucleotide strands, a sense strand and an antisense strand. Generating a DNA sequence from a single strand nucleotide sequence identified via hybridization conditions is routine for one of skill in the art. The claims are directed to the DNA sequence, not the individual nucleotide strands, therefore the claimed DNA sequence would encode the claimed polypeptide.

The Office also alleges that the terminology in claim 1, "detecting binding of the sample thereto" renders the claim vague and indefinite, one cannot detect binding to a sample, one is detecting binding to the polypeptide.

Claims 1, 3 and 5 have been amended to recite detection of CD30L/CD30 binding.

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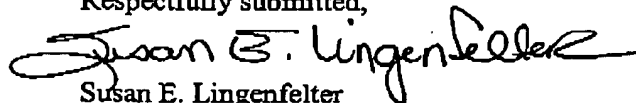
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Applicants respectfully submit that for at least the reasons stated above, the rejection of claims 1-13 under 35 U.S.C. §112, second paragraph, has been overcome and withdrawal of the rejection is respectfully requested.

CONCLUSION

Applicants submit that the presented claims are in condition for allowance. A favorable action is earnestly requested. Applicants' attorney invites the Examiner to call her at the number below if any issue remains outstanding.

Respectfully submitted,



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Date: December 14, 2006

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is being facsimile transmitted to the United States Patent and Trademark Office on the date indicated below.

Signed: 
Kathleen F. Phindle

Date: December 14, 2006

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